

**REMARKS**

The above amendments and these remarks are responsive to the Office Action issued on May 31, 2005. By this response, claims 1, 9, 22, 30, 31 and 41-56 are amended. No new matter is added. Claims 1-56 are now active for examination.

The Office Action dated May 31, 2005 rejected claims 1-21 and claims 41-56 under 35 U.S.C. §101 as directed to non-statutory subject matter. Claims 1-6, 9, 11, 15, 16, 20-27, 30, 31, 33, 37-45, 47, 49 and 53-56 were rejected under 35 U.S.C. §103(a) as unpatentable over Davis (How CTI is Changing Workforce Management) in view of Zweben (U.S. Patent No. 6,216,109). Claims 7, 8, 10, 19, 28, 29, 32, 46 and 48 stood rejected under 35 U.S.C. §103(a) as unpatentable over Davis and Zweben and further in view of Reynolds (Automating for Better Workforce Management). The Office Action rejected claims 12, 13, 17, 18, 34, 35, 50 and 51 under 35 U.S.C. §103(a) as unpatentable over Davis and Zweben, and further in view of Randhawa (A Microcomputer-based Data Management and Capacity-planning System). Claims 14, 36 and 52 stood rejected under 35 U.S.C. §103(a) as unpatentable over Davis in view of Zweben and Randhawa.

The claim rejections are respectfully traversed in view of the amendments and/or remarks presented herein.

**The Obviousness Rejections Are Overcome**

(1) Rejection of Claims 1-6, 9, 11, 15, 16, 20-27, 30, 31, 33, 37-45, 47, 49 and 53-56

Claims 1-6, 9, 11, 15, 16, 20-27, 30, 31, 33, 37-45, 47, 49 and 53-56 were rejected as unpatentable over Davis in view of Zweben. By this Response, independent claims 1, 22 and 41 are amended to improve wording and to achieve better protection of the invention, but the amendment does not narrow claim scope in any way for reasons related to patentability.

Appropriate support for the amendment can be found in, for example, paragraphs [0028]-[0025] and Fig. 2a of the written description. It is respectfully submitted that the obviousness rejection is overcome because Davis and Zweben cannot support a *prima facie* case of obviousness.

Independent claim 1, as amended, describes a capacity planning method in which a machine receives a plurality of tasks and identifies a plurality of subtasks that are associated with each of the plurality of received tasks. The plurality of subtasks are needed to perform each respective task. Production rate information related to the amount of time or the number of staff needed to perform each of the identified subtasks is accessed. A work volume is calculated based on the identified subtasks and the production rate information.

On the other hand, Davis describes a work force management system to manage work load and the number of needed tasks and telephone sales representatives (TSR) in a call center. The system predicts the number of incoming calls within a specific time interval, and forecasts needed staff for each time interval. (See paragraphs 19-22 of Davis). As the Office Action correctly acknowledged, Davis fails to disclose identifying a plurality of subtasks that are needed to perform each of a plurality of tasks, as described in claim 1. Davis also fails to teach that the subtasks are of different types, as described in claim 1. Moreover, as the system described in Davis does not identify subtasks needed to perform each of the plurality of tasks, it also does not calculate a work volume based on the identified subtasks, as described in claim 1.

Zweben, another document relied on by the Office Action, does not alleviate the deficiencies of Davis. Zweben describes a scheduling system for managing a factory production process. An initial production schedule for a task is set up and is subject to iterative modifications, to reflect certain restraints, such as legal working time periods during which the task can be performed, resource constraints, etc. If needed, the scheduling system divides the

task into several smaller pieces in view of the constraints. For instance, a task having a duration of 16 hours is split into two 8-hour pieces to be performed on two separate days, due to a specific requirement that only an 8-hour shift per day is permitted. See col. 16, lines 39-54 of Zweben.

In rejecting claim 1, the Office Action contended that splitting the 16-hour task into two 8-hour pieces is comparable to the step of identifying subtasks associated with the incoming task, as described in claim 1, because the two 8-hour pieces are needed to perform the 16-hour task. However, even if such contention is true, the combination of Davis and Zweben does not disclose every feature described in claim 1.

According to the example relied on by the Office Action (splitting a 16-hour task into two 8-hours pieces), a work volume (16 hours) and resource constraints (only one 8-hour shift per day) have to be ascertained beforehand, such that an updated work schedule could be generated (dividing the 16-hour work into two 8-hours pieces to be performed on two different days). In other words, Zweben's scheduling system determines a work volume of a task prior to splitting the task into shorter pieces. Accordingly, Zweben does not calculate a work volume based on the identified subtasks, as described in claim 1. Zweben also fails to teach that the subtasks are of different types, as described in claim 1. Therefore, even if the system of Davis is modified by the scheduling techniques described in Zweben, the resulting system fails to disclose "identifying a plurality of subtasks associated with each of the plurality of received tasks, wherein the plurality of subtasks are of different types and are needed to perform each respective received task;...and calculating a work volume based on the identified subtasks," as described in claim 1. The obviousness rejection of claim 1 is untenable and should be withdrawn. Favorable reconsideration of claim 1 is respectfully requested.

Independent claims 22 and 41 also include features related to identifying a plurality of subtasks associated with each of the plurality of received tasks, wherein the plurality of subtasks are needed to perform each respective received task; and calculating a work volume based on the identified subtasks. As discussed above relative to claim 1, Davis and Zweben, even if combined, do not disclose these features. Consequently, claims 22 and 41 are patentable over Davis and Zweben for at least the same reasons as for claim 1.

Claims 2-6, 9, 11, 15, 16, 20, 21, 23-27, 30, 31, 33, 37-40, 42-45, 47, 49 and 53-56, directly or indirectly, depend on claims 1, 22 and 41, respectively, and incorporate every limitation thereof. Thus, for at least the same reasons as for claims 1, 22 and 41, claims 2-6, 9, 11, 15, 16, 20, 21, 23-27, 30, 31, 33, 37-40, 42-45, 47, 49 and 53-56 also are patentable over Davis and Zweben by virtue of their respective dependencies from claims 1, 22 and 41. Favorable reconsideration of claims 2-6, 9, 11, 15, 16, 20, 21, 23-27, 30, 31, 33, 37-40, 42-45, 47, 49 and 53-56 is respectfully requested.

(2) Rejections of claims 7, 8, 10, 12-14, 17-19, 28, 29, 32, 24, 35, 36, 46, 48 and 50-52

Claims 7, 8, 10, 12-14, 17-19, 28, 29, 32, 24, 35, 36, 46, 48 and 50-52, directly or indirectly, depend on claims 1, 22 and 41, respectively, and incorporate every limitation thereof by virtue of their dependencies. The Office Action rejected claims 7, 8, 10, 12-14, 17-19, 28, 29, 32, 24, 35, 36, 46, 48 and 50-52 as unpatentable over the combination of Davis and Zweben, and further in view of Reynolds and/or Randhawa. However, Reynolds and Randhawa do not alleviate the deficiencies of Davis Zweben. Accordingly, Davis, Zweben and those additional documents, even if combined, cannot support a *prima facie* case of obviousness. The obviousness rejections of claims 7, 8, 10, 12-14, 17-19, 28, 29, 32, 24, 35, 36, 46, 48 and 50-52

are untenable and should be withdrawn. Favorable reconsideration of claims 7, 8, 10, 12-14, 17-19, 28, 29, 32, 24, 35, 36, 46, 48 and 50-52 is respectfully requested.

**The Rejections of Claims 1-21 and 41-56 under 35 U.S.C. §101 Are Overcome**

Claims 1-21 and 41-56 were rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. Specifically, the Office Action asserted that method claims 1-21 need to specify how the steps are performed by machines, and that claims 41-56 should not be directed only to a computer program.

By this response, claim 1 is amended to specify that the steps are machine-executed, and claims 41-56 are amended to direct those claims to a machine-readable medium that embodies instructions to control a data processing system to perform certain new and non-obvious steps. Claims 2-21, directly or indirectly, depend on claim 1 and incorporate the machine-executed steps described in claim 1 by virtue of their dependencies.

It is submitted that claims 1-21 and 41-56, as amended, are directed to patentable subject matter. Favorable reconsideration of claims 1-21 and 41-56 is respectfully requested.

**CONCLUSIONS**

For the reasons given above, Applicants believe that this application is in condition for allowance, and request that the Examiner give the application favorable reconsideration and permit it to issue as a patent. If the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicants' representatives listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

**Application No.: 10/725,205**

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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